

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -MARCH 18, 2008- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 8:03 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

CONSENT CALENDAR

Mayor Johnson announced that the Minutes [paragraph no. 08-114]; recommendation to address rent increases [paragraph no. 08-118; Resolution Approving Amendment to the Memorandum of Understanding [paragraph no. 08-119]; Resolution Authorizing the Execution by the General Manager [paragraph no. 08-120]; and Introduction of Ordinance Amending the Alameda Municipal Code [paragraph no. 08-121] were removed from the consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent calendar.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(08-114) Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority, and Community Improvement Commission Meeting held on February 6, 2008; and the Special and Regular City Council Meetings held on March 4, 2008. Approved.

Vice Mayor Tam stated that the word "defeated" on Page 12 of the Regular City Council Meeting minutes should be changed to "replaced."

Vice Mayor Tam moved approval of the minutes with noted change.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(*08-115) Ratified bills in the amount of \$3,004,609.80.

(*08-116) Recommendation to accept the work of SpenCon Construction, Inc. for the first amendment to Agreement for the Fiscal Year 2005-2006 repair of portland cement concrete sidewalk, curb, gutter, driveway, and minor street patching, Phase 7, P.W. 03-06-06. Accepted.

(*08-117) Recommendation to approve the Proposition 1B Local Streets and Roads Funding Proposal for Fiscal Year 2007-2008, allocate \$61,000 in Congestion Management Agency Transportation Improvement Plan Funds, and authorize the City Manager to execute all necessary documents. Accepted.

(08-118) Recommendation to address rent increases and maintenance concerns at 101, 123, and 127 Crolls Garden Court.

Vice Mayor Tam inquired what is the status of the code violations.

The Planning and Building Director responded outstanding items include defective rain gutters, several hairline cracks on two interior windows, and interior dry rock under the rug of one unit; fire code issues include patching sheetrock in the water heater closets; removing storage under the stairways; cleaning lint from dryer vents; and providing proof of five-year service on private fire hydrants.

Vice Mayor Tam inquired whether there has been any success in getting the property owner to the mediation table with the tenants.

The Housing Development Manager responded the Rent Review Advisory Committee (RRAC) met on December 3, 2007 and in January 2008 to review the matter; stated the owner did not attend either meeting and has not responded to the RRAC's recommendations.

Vice Mayor Tam inquired whether the property owner was here tonight, to which the Housing Development Manager responded in the negative.

Mandy Olson, Alameda, stated that the mold in her apartment was never properly cleaned; the soft boards in public walkways have not been fixed; rain gutters are falling apart.

Winter Ladue, Alameda, stated her heater and stove were replaced after the compliance date; interior repairs have not been made; her unit has dry rot on the outside.

Keith Ladue, Alameda, stated that he is concerned with security issues; a homeless person is living outside his gate; the fence is in disrepair.

Leif Olson, Alameda, (submitted pictures) stated that the December 5 rent increase is not justified; the Code Enforcement Officer noted more than a dozen severe code violations; a 7% increase is twice the annual rate of inflation and is excessive; no improvements have been made in the last three years; broken windows and gutters, and Unit 127 entryway are particular areas of concern.

Councilmember Gilmore stated mold is a health and safety violation and is very difficult to eradicate; inquired whether the issue has been corrected.

The Planning and Building Director responded the County addresses mold issues.

Councilmember Gilmore inquired whether mold issues are addressed on a complaint driven basis and whether the tenant or City can notify the County.

The Planning and Building Director responded that she did not know the County's process.

Mayor Johnson inquired whether people have difficulty getting inspections, to which the Planning and Building Director responded in the negative.

Mayor Johnson inquired whether additional ordinances are necessary to deal with the issue.

The Planning and Building Director responded the City has a Property Standards Ordinance which addresses property upkeep.

Councilmember deHaan stated the pictures show issues that are not listed in the staff report; inquired whether staff is aware of the issues.

The Planning and Building Director responded that she has not seen the pictures; stated the Code Enforcement Office will follow up on the matter.

Councilmember deHaan inquired whether other properties are having the same problems.

The Planning and Building Director responded there are approximately 800 Code Enforcement cases.

Councilmember deHaan inquired whether other properties are having problems with rent increases, to which the Planning and Building Director responded that she is not aware of any.

Councilmember deHaan stated the complex has 17 units; inquired whether other units were inspected.

The Planning and Building Director responded units were inspected if there was a complaint.

Councilmember Matarrese stated descriptions are reminiscent of the Harbor Island Apartments' situation; the property owner is collecting rent and not maintaining the property; he concurs with the RRAC recommendations; after hours park use demands more attention than the Planning and Building Department; the Nuisance Ordinance needs to be invoked; inquired whether the Nuisance Ordinance has fines that could total thousands of dollars.

The City Attorney responded fines can be imposed each day that a nuisance continues.

Mayor Johnson inquired whether separate standards could be adopted for maintenance of rental properties.

The City Attorney responded the issue can be reviewed if there are rational distinctions between rental properties and owner-occupied properties; a reason would be needed.

Councilmember Gilmore stated the issue should be pursued aggressively; ignoring the City should not be tolerated.

Councilmember deHaan inquired whether the complex has any vacancies, to which the Planning and Building Director responded in the negative.

Councilmember deHaan stated the City would have some control if the complex has Section 8 tenants.

Vice Mayor Tam stated that she concurs with Councilmember Gilmore regarding being aggressive with the property owner.

Vice Mayor Tam moved approval of authorizing the Mayor to send a letter to the property owner encouraging compliance with the Rent Review Advisory Committee's recommendations and listing fines that would be imposed for code violations and health and safety issues raised.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Matarrese stated the City did not connect the dots between crime at the Harbor Island Apartments and the condition of the units and treatment of tenants; requested an update in a month regarding Section 8 voucher management and public safety issues.

Vice Mayor Tam concurred with Councilmember Matarrese regarding reporting back to Council.

On the call for the question, the motion carried by unanimous voice vote - 5.

(08-119) Resolution No. 14187, "Approving Amendment to the Memorandum of Understanding Between the International Brotherhood of Electrical Workers and the City of Alameda for the Period Ending December 31, 2008, to Establish Rubber Glove Educational Incentive Pay." Adopted.

The Human Resources Director gave a brief presentation.

Councilmember deHaan stated that approving the incentive pay is the right thing to do; he wants the public to understand the reasoning for the incentive pay.

The Human Resources Director stated the City has had a hard time attracting Journey Lineworkers.

Councilmember deHaan moved adoption of the resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(08-120) Resolution No. 14188, "Authorizing the Execution by the General Manager of Alameda Power & Telecom of the First Amendment to the Power Purchase Agreement with Ameresco Keller Canyon, LLC for Price Increase of Delivered Power from Landfill Gas Generation." Adopted.

The AP&T General Manager gave a brief presentation.

Mayor Johnson requested that the General Manager provide an explanation of landfill gas generation.

The AP&T General Manager stated that landfill gas generation is a method in which gas that is generated from decomposing waste in a landfill is captured through a network of pipes and is gathered and

burned within an engine; electricity is generated; the City has four contracts for landfill gas.

Councilmember Gilmore inquired whether Ameresco would look to Alameda and Palo Alto if unexpected cost overruns occur.

The Utility Planning Supervisor responded the Contract has provisions; stated that he does not think a price increase would be allowed; the 6% satisfies the City and provides for a project that is under the projected wholesale market price; the developer would make a profit.

Councilmember Gilmore inquired whether the Contractor only has the option to decide whether or not the deal is a go based upon their financial projections as opposed to the City's financial projections.

The Utility Planning Supervisor responded that the City could back out of the Contract if the price is too high.

Councilmember Gilmore inquired whether staff is satisfied with the Contractor's due diligence; further inquired whether the Contractor performed due diligence before the City entered into the Contract or afterwards.

The Utility Planning Supervisor responded some work and evaluation was done prior to entering into the Contract; stated the Contractor found out more after digging deeper; permitting and interconnecting issues were out of the Contractor's control; the Bay Area Air Quality Board required the additional engines.

Councilmember Gilmore stated that she does not want to be paying for an increase because the Contractor failed to do due diligence.

The Utility Planning Supervisor stated the Contractor performed a good study; the City has worked with the Contractor three times; the Contractor is in the middle of a much larger project in Half Moon Bay; the Contractor completed the Santa Cruz project without any problem.

Councilmember deHaan inquired how many landfill gas projects the City has.

The Utility Planning Supervisor responded the City has four active Contracts; stated two generators are running and two generators are under construction.

Councilmember deHaan inquired what percentage of the City's

portfolio is gas, to which the General Manager responded between 4% and 5%.

Councilmember deHaan inquired whether the four Contracts are successful.

The Utility Planning Supervisor responded in the affirmative; stated prices are more than competitive; Contracts were entered into at a time when the wholesale market was low.

Councilmember deHaan inquired whether the City is looking at other landfill gas projects.

The Utility Planning Supervisor responded Half Moon Bay is under construction; the City will partner with Palo Alto again.

Councilmember deHaan moved adoption of the resolution.

Mayor Johnson inquired whether Palo Alto approved the increase, to which the General Manager responded in the affirmative.

Mayor Johnson stated that Alameda and Palo Alto are on the forefront of innovative power production.

The General Manager stated that the Environmental Protection Agency awarded Alameda and Palo Alto with the Landfill Methane Outreach Program award.

Vice Mayor Tam stated that she appreciates the questions raised by Councilmember Gilmore; the increase is significant and includes some escalators.

The General Manager stated the City is still under market price; the cost would be spread over twenty years.

Councilmember deHaan inquired whether the four landfills are active.

The General Manager responded Half Moon Bay and Santa Cruz are active; Richmond is not.

Councilmember deHaan inquired whether the City has options to continue to draw gas from the landfills.

The General Manager responded in the affirmative; stated the Contract is a take-and-pay Contract; the City has renewal rights.

Councilmember deHaan stated that methane gas is worse than carbon

dioxide when the gas leaks into the air.

On the call for the question, by consensus, the motion carried by unanimous voice vote - 5.

(08-121) Introduction of Ordinance Amending the Alameda Municipal Code by Repealing Section 5-30 (Filming Activities) in Its Entirety, and Replacing It with A Successor Section to Article II (Permits) of Chapter V (Licenses and Permits) Making Changes to the Procedures, Regulations and Related Fee Provisions for Filming Activities Within the City of Alameda. Introduced.

Dave Duffin, Film Commission Chair, stated the recommended changes would help the permitting process.

Councilmember Matarrese moved introduction of the ordinance.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5.

REGULAR AGENDA ITEMS

(08-122) Public Hearing to consider Resolution No. 14189, "Adopting General Plan Amendment, PLN07-0077, Amending Section 2.5 Retail Business and Services of the Land Use Element of the City of Alameda General Plan." Adopted.

The Planning Services Manager gave a brief presentation.

Mayor Johnson opened the public portion of the hearing.

Proponent (In favor of resolution): Patricia Curtin, Harsh Development.

Neutral: Bill Smith, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember deHaan stated that Alameda Towne Center and Alameda Landing concerns are reflected in the staff report; inquired how sales leakage would be controlled through zoning and the Municipal Code.

The Planning Services Manager responded Policy 2.5.k states "pursue and encourage new retail development that is consistent with the retail policies of the General Plan and Economic Development Strategic Plan; primarily serves the community or addresses a high

priority local retail or service need; and will not have a significant long-term deleterious effect on existing retail areas and/or the local economy"; stated staff wants to provide an articulated policy that supports and supplements existing retail areas but does not compete.

Councilmember deHaan stated sales leakage has not changed; sales leakage becomes all-important.

The Planning Services Manager stated that staff did not lose sight of sales leakage being the driving force.

Councilmember deHaan stated Policy 2.5.b addresses revitalization of Alameda's historic Main Street business districts on Park Street and Webster Street while maintaining small-city scale and character; inquired why the policy is silent on new shopping centers.

The Planning Services Manager responded said policy is designed to just deal with Park Street and Webster Street; stated Alameda Towne Center is addressed in Policy 2.5.f.

Councilmember deHaan stated Policy 2.5.n [to maintain the historic urban form and character of Park Street and Webster Street business districts, limit building heights on Park Street and Webster Street to three stories above grade, measuring 35 to 40 feet, depending on roof configuration. Parking structures are to be limited by height only, regardless of the number of parking levels] is silent on shopping centers; inquired whether the policy should address height for shopping center buildings.

The Planning Services Manager responded Policy 2.5.t contains eleven design criteria.

Councilmember deHaan inquired why said policy does not include size and scale.

The Planning Services Manager responded historic urban form is the guide on the issue of design, height, and physical form on Park Street and Webster Street; stated Alameda Towne Center, Bridgeside, and Alameda Landing were developed under Planned Development zoning which allows for the establishment of setbacks and height standards for the project; heights might vary from one shopping center to another; shopping centers are designed as complexes; height is addressed when projects are reviewed.

Councilmember deHaan stated that the Planning Board struggled with the issue; Alameda Landing has a different set of rules.

The Planning Services Manager stated that the Planning Board is willing to address building height on an individual project basis.

Mayor Johnson inquired what was the Planning Board vote on the matter, to which the Planning Services Manager responded unanimous.

Councilmember deHaan inquired whether shopping center height limits were discussed, to which The Planning Services Manager responded in the negative.

Mayor Johnson stated the Planning Board's approach is good; having the same building height for each shopping center does not make sense.

Councilmember Matarrese inquired whether there was discussion regarding neighborhood retail centers; stated the previous policy aimed at reducing and containing said centers because retail in the middle of a residential area causes clashes; he hopes to get some language added regarding preserving the scale of neighborhood centers.

Vice Mayor Tam inquired whether the issue is addressed in Policy 2.5.o.

Councilmember Matarrese stated that Policy 2.5.o addresses the size of stores.

The Planning Services Manager stated a policy could be added.

Councilmember Matarrese stated that Policy 2.5.o should be modified to not only limit the size of a store but also to limit the size of the district.

The Planning Services Manager stated the policy could require maintenance of the current neighborhood business district size.

Mayor Johnson stated that the same policy should apply to conversion of residential units as a whole.

Councilmember Gilmore commended staff and the Planning Board for all the hard work; stated Council has the strike-out and underline provisions for comparison; the General Plan is a living document; periodic updates are important; having a document that reflects that there was community consensus on a particular matter is important.

Mayor Johnson stated that Councilmember Gilmore makes a good point;

certain General Plan elements are updated on a periodic basis, others are not.

The Planning Services Manager stated the Transportation Element update would be the next major element update.

Councilmember Gilmore moved adoption of the resolution.

Councilmember deHaan inquired whether the requirement to have five off-street parking spaces for each 1,000 square feet of new retail space is a zoning requirement; stated things have been done differently in the last couple of developments; further inquired whether any leeway has been given to dropping down the number of required spaces.

The Planning Services Manager responded the in-lieu fee process has been used; stated staff is working on parking ordinance revisions; more innovated parking approaches will be considered in the Alameda Landing Master Plan.

Councilmember deHaan inquired whether the parking exception process has been used, to which the Planning Services Manager responded in the affirmative.

Councilmember deHaan inquired whether staff is comfortable with using said process.

The Planning Services Manager responded the process was designed to be an interim approach until new requirements are in place.

Councilmember Matarrese seconded the motion with direction to include additional language for maintaining commercial/retail uses within residential neighborhoods.

On the call for the question, the motion carried by unanimous voice vote - 5.

(08-123) Public Hearing to consider Introduction of Ordinance Amending Various Sections of the Alameda Municipal Code Contained in Article I, (Zoning Districts and Regulations), Chapter XXX, (Development Regulations), Pertaining to Retail and Commercial Uses. Introduced.

The Supervising Planner provided a brief presentation.

Mayor Johnson inquired whether the Planning Board reviewed the proposed Ordinance and unanimously supports the staff recommendation, to which the Supervising Planner responded in the

affirmative.

Vice Mayor Tam stated that the staff report makes reference to T.J. Maxx and Bed Bath and Beyond as being typical large format-type stores with 30,000 square feet; 30,000 square feet triggers the need for a Conditional Use Permit; inquired whether there was any discussion regarding the type of use within a retail site during the Planning Board or Economic Development Commission deliberations; stated the United Food Workers have brought up concerns regarding having a grocery store within a large center; 30,000 square feet would not cover a Target, Walmart, or Ikea type development.

The Supervising Planner responded the matter did not come up during discussions; stated the Planning Board viewed the matter as a land use question.

Councilmember deHaan stated that the July 17, 2007 City Council Meeting reflects that Councilmember Matarrese discussed non-taxable items sold in a superstore; that he [Councilmember deHaan] discussed wages and health benefits; inquired whether said issues are addressed in the proposed ordinance.

The Supervising Planner responded that there was no discussion on the issues.

Mayor Johnson opening the public portion of the hearing.

Neutral: Bill Smith, Alameda.

Proponents (In favor of Ordinance): Mike Henneberry, Alameda [in favor with modification]; Patricia Curtin, Harsh Development.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson thanked Ms. Curtin for participating in the process.

Councilmember Matarrese thanked staff and the Planning Board for working on the issue; stated the 30,000 square foot threshold surprised him but he understands the reasoning; inquired whether specific projects would be reviewed by the Planning Board as Planned Developments instead of a Conditional Use Permits.

The Supervising Planner responded in the affirmative; stated Planned Developments and Conditional Use Permits require the same findings.

Councilmember Matarrese stated that he is concerned that the proposed ordinance does not put a cap on the number of square feet; he understands the unintended consequences that a cap would place on the reuse of the Fleet Industrial Supply Center warehouse, Del Monte Building, and Naval Air Station hangers; suggested using the smallest square footage of historic buildings as the threshold for not allowing more than 10% non-taxable items; stated that he would like to have the historic buildings called out because said buildings require special attention.

Councilmember Gilmore inquired whether there was any discussion regarding the superstore issue at the Planning Board level.

The Supervising Planner responded the Del Monte Building is 250,000 square feet; redevelopment plans include a grocery store; typically, grocery stores are between 30,000 and 50,000 square feet; additional requirements were put into the findings which would require reviewing how a project would affect the economic vitality of existing businesses; the City would have the discretion to say whether a project is right for Alameda or not; superstores were addressed in a more general manner.

Councilmember Gilmore inquired whether Council could approve the Planned Development Amendment and give direction for the Planning Board to review the superstore issue and call out the large historical buildings; stated that she has an interest in the matter but does not want to hold up the process.

The City Attorney responded in the affirmative; stated alternatively, additional language could be added to the second reading of the ordinance.

Councilmember Gilmore stated that the Planning Board has been involved and connected with the matter; she does not want Council or staff to craft language without input and discussion from the Planning Board; the matter could be placed on a Planning Board agenda in order to have more public discussion.

Councilmember Matarrese stated that he concurs with Councilmember Gilmore regarding historic buildings; Council gave direction on a grocery component in a massive store; language was provided to staff and the Planning Board.

Councilmember deHaan stated that sales leakage should be discussed; entitlements have been made in various areas; studies have shown that Alameda does not need more than one more grocery store even with full build-out; a lot of data is available; balancing leakage is important.

The Planning Services Manager stated a Conditional Use Permit would be required for anything over 30,000 square feet; suggested layering Livermore's provision on top of said requirement; inquired whether there would be an exception for historic buildings.

Councilmember Matarrese responded historic buildings could have a large retailer; stated anything bigger than 90,000 square feet would not be allowed to have more than 10% non-taxable items.

The Planning Services Manager stated the Del Monte Building would be limited to approximately 12,000 square feet of non-taxable retail under the proposal.

Councilmember Gilmore stated the issue runs up against the desire to preserve historic buildings.

Mayor Johnson stated the proposal is directed at a large retailer that has 10% of non-taxable within the one retail establishment

The Planning Services Manager stated he thinks that would prevent the Del Monte project from moving forward.

Councilmember Gilmore stated that she is bothered by the fact that language could be crafted which might have unintended consequences for historic buildings; the matter should be sent back to the Planning Board along with an explanation of Council's concept.

Councilmember Matarrese moved introduction of the ordinance with direction to have the Planning Board review superstore language along with consideration for large historic buildings, including, but not be limited to, the Alameda Landing warehouses, Alameda Point hangers, and the Del Monte Building; stated that he is dismayed that the matter was not addressed.

Councilmember deHaan requested that the City Attorney review wages and health benefit issues for retailers who have over one hundred employees.

Mayor Johnson stated said issue is not a Planning issue.

On the call for the question, by consensus, the motion carried by unanimous voice vote - 5.

Councilmember Gilmore stated that everyone talks about Alameda not having enough shopping; the staff report states "Bringing additional retail opportunities to Alameda would be expected to result in shorter vehicle trips. Traffic levels on regional

roadways and total vehicle emissions would be expected to decline due to the shorter trips required to shop locally; however, there may be an increase in local traffic, particularly on streets near major retail centers in Alameda"; stated that people need to realize that more retail will result in more local traffic.

(08-124) Public Hearing to consider Adoption of Resolution Approving Master Plan Amendment, PLN07-0122, to Allow the Marina Village Shopping Center to Permit up to 25% Office Use (A Maximum of 31,070 Square Feet) and to Allow the Future Addition of a 5,000 Square Foot Building Pad, an 800 Square Foot Kiosk, and a 500 Square Foot Kiosk.

The Planning Services Manager gave a brief presentation.

Councilmember Matarrese stated that he would recuse himself because he lives within 300 feet of the project.

Councilmember Gilmore stated that the Planning Board requested that the current amount of landscaping be preserved; inquired whether "current" means the current configuration or whether the current amount of landscaping could be reconfigured somewhere else on the site.

The Planning Services Manager responded the landscaping could be reconfigured.

Mayor Johnson inquired whether there would be an opportunity to add landscaping to the parking lot.

The Planning Services Manager responded absolutely; noted that the applicant concurs.

Councilmember deHaan inquired whether the 6,300 square foot area is grass area.

The Planning Services Manager responded in the negative; stated the area looks like a building pad.

Councilmember Gilmore stated that the area is a perfect spot for office space.

Mayor Johnson stated the proposed amendment is to allow increased office space; the location can shift over time.

Councilmember deHaan inquired what is the occupancy rate at the shopping center.

The Applicant responded the vacancy rate is approximately 3%; stated small office use is in demand.

Mayor Johnson stated that having office space at the shopping center would relieve the pressure of expanding business and office space into residential areas; the proposal makes sense.

Councilmember deHaan stated that he concurs with Mayor Johnson; inquired whether there has been any discussion regarding additional landscaping.

The Applicant responded landscaping could be put around the future pad.

Councilmember deHaan stated substantial trees are important in large parking areas.

The Applicant stated that he understands the importance of trees.

Councilmember deHaan moved adoption of the resolution.

Councilmember Gilmore inquired whether Council is approving [both 25% office use and additional square footage].

Councilmember deHaan responded both; stated one [25% office use] corrects the existing situation.

Bill Smith, Alameda, discussed traffic.

Councilmember deHaan amended the motion to include the caveat of having the Planning Board review the landscaping.

Vice Mayor Tam stated approximately 17% of the space is leased for office space; the Applicant is requesting 25% office space in addition to increasing the square footage by 6,300 square feet; increasing the square footage by 6,300 square feet would make the total 130,000 square feet; 25% of 130,000 square feet is 32,500 square feet.

The Planning Services Manager stated the total build out would be 130,729 square feet; no more than 25%, or 31,070 square feet, of the shopping center would be devoted to office space.

Vice Mayor Tam inquired whether the 25% allowable office space is before 6,300 square feet is added or if 25% of the entire space would be allowed for office use.

The Planning Services Manager responded 25% of the current built

space could be office; when the additional 6,300 square feet is complete, 25% of everything that is built could be office.

Mayor Johnson inquired whether said proposal works with the Applicant's plans, to which the Applicant responded in the affirmative.

The Planning Services Manager stated the resolution would be corrected to state it is no more than 25% of the existing space.

Mayor Johnson stated that she does not have a problem with stating 25% of the total entitled amount.

The City Manager inquired whether the 31,070 square feet would be taken out of the resolution.

Mayor Johnson responded in the affirmative; stated the resolution should state 25% of the total entitled amount.

Councilmember Gilmore seconded the motion with the following caveats: 1) the current amount of landscaping be preserved or preferably be increased, 2) no drive-through uses be permitted, and 3) language be clarified to remove square footage and indicate no more than 25% of entitled space be used for office space.

Councilmember deHaan concurred with caveats added by Councilmember Gilmore.

On the call for the question, the motion carried by the following voice vote - Ayes: Councilmembers deHaan, Gilmore, Tam and Mayor Johnson - 4. Abstention: Councilmember Matarrese - 1.

ORAL COMMUNICATIONS, NON-AGENDA

(08-125) Bill Smith, Alameda, discussed alternative fuels.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(08-126) Consideration of Mayor's nominations for appointment to the Public Art Commission.

Mayor Johnson nominated Cecilia Cervantes and Andrea M. Leal.

(08-127) Councilmember deHaan stated that the recession could last

four or five years; the budget needs to be put in proper content; a meltdown has started to occur.

(08-128) Mayor Johnson stated that more focus needs to be placed on long-term economic issues; thought should be given to forming a committee to focus on long-term economic sustainability; the matter could possibly be placed under Council Referrals.

Vice Mayor Tam inquired whether the Economic Development Commission could be tasked with the role, to which Mayor Johnson responded possibly.

Councilmember Gilmore inquired whether there is consensus to have the matter placed on a City Council agenda.

Mayor Johnson responded the matter could be placed on a City Council agenda for discussion.

Councilmember deHaan stated that Toyota is in full swing of building a facility on Hegenberger Road; the facility will be in place within six months; Alameda cannot back fill anything quick enough.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:39 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL
AND PUBLIC UTILITIES BOARD MEETING
TUESDAY- -MARCH 18, 2008- -6:00 P.M.

Mayor Johnson convened the Special Joint Meeting at 6:05 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson; Board Members - Hamm, Holmes, Kurita, McCahan, and McCormick - 10.

Note: Board Member McCahan was present via teleconference from 78-6800 Alii Drive # 3 Kailua Kona, Hi 96740

Absent: None.

The Special Joint Meeting was adjourned to Closed Session to consider:

(08-112) Conference with Real Property Negotiators; Property: 1041 W. Midway and various easements in Alameda, California; Negotiating parties: City of Alameda and Alameda Power and Telecom; Under negotiation: Price and terms.

Following the Closed Session, the Special Joint Meeting was reconvened and Mayor Johnson announced that Council and the Public Utilities Board received a briefing from Real Property Negotiators; no action was taken.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 6:55 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -MARCH 18, 2008- -6:01 P.M.

Mayor/Chair Johnson convened the Special Meeting at 6:55 p.m.

Roll Call - Present: Councilmembers/Commissioners deHaan,
Gilmore, Matarrese, Tam, and Mayor/Chair
Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(08-113 CC/08-14 CIC) Conference with Legal Counsel -
Anticipated Litigation; Significant exposure to litigation pursuant
to subdivision (b) of Section 54956.9; Number of cases: One.

Following the Closed Session, the Special Meeting was reconvened
and Mayor/Chair Johnson announced that Council/Commission received
a briefing from Legal Counsel on a matter of potential litigation;
no action was taken.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the
Special Meeting at 7:40 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown
Act.

MINUTES OF THE SPECIAL JOINT COMMUNITY
IMPROVEMENT COMMISSION AND HOUSING
AUTHORITY BOARD OF COMMISSIONERS MEETING
TUESDAY- -MARCH 18, 2008- -7:25 P.M.

Chair Johnson convened the Special Joint Meeting at 7:48 p.m.
Commissioner Torrey led the Pledge of Allegiance.

ROLL CALL - Present: Commissioner/Board Members deHaan,
Gilmore, Matarrese, Tam, Board Member
Torrey, and Mayor/Chair Johnson - 6.

Absent: None.

SPECIAL ORDERS OF THE DAY

(08-15) Update on the Alameda Theater, Cineplex, and Parking
Structure Project.

The Redevelopment Manager gave a brief presentation.

Chair Johnson inquired whether there is money in the contingency
for the parking structure façade.

The Redevelopment Manager responded \$50,000 has been allocated from
next year's CIC budget.

Chair Johnson inquired whether the elevator timeframe is uncertain.

The Redevelopment Manager responded in the affirmative; stated the
contractor's workload increased; the Cineplex developer will need
to do additional work after the contractor's work is complete;
State inspections cannot be done until everything is complete.

Commissioner deHaan inquired what is the status of the escalator.

The Redevelopment Manager responded the escalator has been
installed but still needs some work.

Commissioner Tam inquired whether parking structure usage has
increased.

The Redevelopment Manager responded somewhat; stated staff is
working with the Park Street Business Association to increase
awareness.

Commissioner Matarrese stated that the Central Avenue parallel
parking looks good.

Commissioner deHaan stated the theater needs to open to maximize use of the parking structure; inquired when the street will reopen.

The Redevelopment Manager responded when construction is completed.

MINUTES

(08-16) Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority and Community Improvement Commission Meetings held on February 6, 2008. Approved.

Commissioner Tam moved approval of the minutes.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEM

(08-17) Recommendation to approve and authorize the Executive Director/Chief Executive Officer to execute an Owner Participation Agreement Between the Community Improvement Commission, Housing Authority and Resources for Community Development for the development of Shinsei Gardens Apartments on certain real property on a portion of the Fleet Industrial Supply Center.

The Development Services Director gave a brief presentation.

Commissioner/Board Member Matarrese moved approval of the staff recommendation.

Commissioner/Board Member deHaan seconded the motion, which carried by unanimous voice vote - 6.

Adjournment

There being no further business, Chair Johnson adjourned the Special Joint Meeting at 8:02 p.m.

Respectfully submitted,

Lara Weisiger,
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.